

ORDINANCE NO. 10032022-02

AN ORDINANCE OF THE CITY OF ELKHART, TEXAS PROHIBITING OFFENSIVE NOISES INVOLVING PUBLIC PEACE AND ORDER AND ESTABLISHING A PENALTY FOR ACTS CONSTITUTING LOUD, DISTURBING AND UNNECESSARY NOISES.

WHEREAS, the City Council of the City of Elkhart, Texas finds that it to be in the best interest of the health, safety, and general welfare of the citizens of the City of Elkhart to establish an ordinance prohibiting the creation of unreasonably loud, disturbing, and unnecessary noises in the city limits:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELKHART AS FOLLOWS:

Section 1. Noise-Prohibited generally. The creation of any unreasonably loud disturbing and unnecessary noises in the city is prohibited. Noises of such a character, intensity, and duration as are reasonably calculated to cause material distress, discomfort, or injury to persons of ordinary sensibilities, or to be detrimental to the life or health of any ordinary, reasonable person are prohibited.

Section 2. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of the Code; provided, however, such enumeration shall not be construed to be exclusive of other noises:

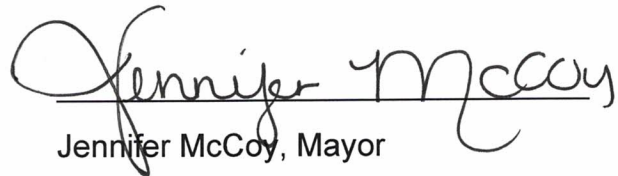
- 1) The sounding of any horn or signal devices on any automobile, motorcycles, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and declaration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.
- 2) The playing of any radio, phonograph, or any musical instrument in such manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. as to create a noise such as is reasonably calculated to disturb a person of ordinary disposition under the same or similar circumstances residing in a dwelling or other type of residence in the vicinity. No stationary loudspeaker or amplifier shall be operated on any day between the hours of 11:00 p.m. and 7:00 a.m. and such stationary loudspeaker or amplifier shall be operated at any time on Sunday between the hours of 7:00 am. And 1:00 p.m. The provision shall not apply to church bells or chimes.
- 3) The use of any automobile, motorcycle, streetcar, or vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary noises such as spinning or squealing tires, grating, grinding, rattling or other noises.

- 4) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.
- 5) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- 6) The use of any mechanical devices operated by compressed air, except pneumatic drills, unless the noise thereby created is effectively muffled and reduced.
- 7) The erection (including excavation), demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity.
- 8) The creation of any excessive noise on any street adjacent to any school institution of learning, or court while the same are in session, or adjacent to any hospital, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, or court street.
- 9) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- 10) The sounding of any bell or gong attached to any building or premises which is reasonably calculated to disturb a person of ordinary disposition if such person were in the vicinity thereof.
- 11) The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.
- 12) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale of merchandise.
- 13) The use of loudspeakers or amplifiers on trucks or other vehicles, except where specific license is granted by the City Secretary.


Section 3. For a fee of \$25.00, a person may obtain from the City Secretary or his/her designee a permit excepting a specific function or activity from complying with the limits and requirements of this ordinance. Such a permit must be requested at least seven (7) days in advance of the specific function or activity, and the specific function or activity excepted may not exceed six (6) hours in duration and must adjourn by midnight. Notwithstanding the above, a person may not obtain a permit excepting a specific function or activity from complying with the limits and requirements of the ordinance if the contemplated specific function or activity is within 1,000 feet of any church or other religious worship.

Section 4. Any person, firm or corporation found to have violated any provision of the ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of up to \$500.00.

PASSED on this day 3rd of October 2022 and will be effective on _____ October 2022.


Jennifer McCoy, Mayor

ATTEST:


Jan Stuteville, Interim City Secretary